

REMARKS

Claims 1-22 were pending in the present application prior to this amendment. Claims 11-15 and 19-22 are withdrawn from consideration. Claims 23-27 have been added, claims 1-11, 13, 16, and 19-22 are amended, and claims 17 and 18 are canceled. Accordingly, claims 1-10, 16, and 23-27 are currently under consideration. Support for amended claims 1-11, 13, 16, and 19-22 is provided throughout the specification, such as at pages 20 and 30, Examples 1-4, and original claim 18. Support for amended claim 1 is also provided, for example, at page 13, lines 28-31, and page 29, lines 3-30. Support for new claims 23 and 24 is provided throughout the specification, such as at page 29, lines 3-30. Support for new claims 25 and 26 is provided throughout the specification, such as at page 3, line 27 through page 4, line 11. Support for new claim 27 is provided throughout the specification, such as at page 4, lines 3-15; and in original claims 3 and 6. No new matter has been added.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover, have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in a future continuation and/or divisional application.

Claim Objection

Claim 8 is objected to under 37 CFR § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of claim 7.

Applicants respectfully traverse. However, in the interest of expediting prosecution, Applicants have amended claim 8 to depend from claim 1. As amended, claim 8 further limits the subject matter of claim 1. Applicants respectfully request that this objection be withdrawn.

Claim Rejection under 35 USC § 112, first paragraph

Claims 1-10 and 16-18 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabled. The Examiner states that the specification:

while being enabling for making a transgenic mouse whose genome comprises a nucleic acid encoding a) human CD20 and b) alpha chain subunit A of human CD16, operably linked to the corresponding endogenous promoters, and further comprising disruptions of the corresponding endogenous gene, does not reasonably provide enablement for making a transgenic animal beyond the mouse whose genome comprises a nucleic acid encoding human CD20 and any subunit of a heterologous Fc γ III receptor (CD16), operably linked to any endogenous promoter.

The Examiner also states that only the use of CD20 or CD16 endogenous promoters would achieve the desired cell-specific expression.

Applicants respectfully disagree with the Examiner that the specification does not enable the making of a transgenic animal beyond a mouse or the use of promoters other than CD20 or CD16 endogenous promoters. Applicants respectfully submit that the specification teaches methods of generating transgenic animals beyond mice and the use of other promoters. See, *e.g.*, page 26, lines 30 to page 30, line 11; and page 19, 21-26.

However, in the interest of expediting prosecution, claims 1-11, 13, 16, and 19-22 have been amended to specify that the transgenic animal is a mouse and that the heterologous nucleic acids are operably linked to endogenous CD20 or Fc γ III receptor promoters.

Applicants note that human CD16 includes two forms: isotype A and isotype B (see, for example, page 3, lines 17 and 18; page 10, lines 17-29; and page 12, lines 22-25). Example 4 illustrates the production of mice that express both human CD20 and human CD16 α chain isotype A (pages 44-46). Additionally, the specification discloses amino acid, cDNA, and genomic sequences for both isotype A and isotype B of CD16 α chain (Figures 22A-22C, 22E, and 22F). The specification also discloses the amino acid and cDNA sequences for human Fc receptor gamma chain. Thus, one skilled in the art can use the teachings of Applicants' specifications to generate transgenic mice that express human CD20 with other heterologous CD16 subunits without undue experimentation. Accordingly, the specification enables the full scope of the present claims.

Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 146392000400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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